



IFW

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Ann M. Lees et al.                      Art Unit : 1653  
Serial No. : 10/671,242                              Examiner : R. Mitra  
Filed : September 24, 2003  
Title : NOVEL LOW DENSITY LIPOPROTEIN BINDING PROTEINS AND THEIR  
USE IN DIAGNOSING AND TREATING ATHEROSCLEROSIS

**Mail Stop Amendment**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Restriction Requirement dated July 21, 2005, applicants elect the invention of Group I, drawn to the embodiment of claims 1-40. Applicants also elect the sequence of SEQ ID NO:43. The election of SEQ ID NO:43 is made with traverse.

The present application describes three novel LDL-binding polypeptides ("LBPs"), termed LBP-1, LBP-2, and LBP-3. For each LBP, the application discloses both human and rabbit polypeptides. However, the pending claims of the present application are limited to human LBP-2 amino acid sequences. As a result, and contrary to the Examiner's comments on page 3 of the action, none of the claims are directed to methods employing LBP-1 or LBP-3 sequences.

As noted above, all of the pending claims are directed to methods of using human LBP-2 amino acid sequences. Human LBP-2 is described in SEQ ID NO:43 (full length polypeptide) and SEQ ID NO:7 (fragment of LBP-2). SEQ ID Nos:19, 20, 21, and 22 are additional fragments of human LBP-2. Applicants respectfully submit that all of the human LBP-2 amino acid sequences should be examined in the present application. The human LBP-2 polypeptides

## CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

AUGUST 15, 2005

Date of Deposit

Patricia F. Suchanek

Signature

PATRICIA F. SUCHANEK

Typed or Printed Name of Person Signing Certificate

Applicant : Ann M. Lees et al.  
Serial No. : 10/671,242  
Filed : September 24, 2003  
Page : 2 of 2

Attorney's Docket No.: 10797-004006

recited in the claims are related to each other as fragments of the full length polypeptide of SEQ ID NO:43. Because of the relatedness of these LBP-2 sequences, the issues raised during the course of prosecution of the full length sequence and fragments thereof are expected to be similar, thereby facilitating simultaneous examination of these sequences.

In light of the above comments, applicants respectfully request that the Examiner examine all of the claims directed to methods of employing LBP-2 polypeptides.

Please apply any charges or credits to Deposit Account No. 06-1050, referencing attorney docket number 10797-004006.

Respectfully submitted,

Date: August 15, 2005

  
\_\_\_\_\_  
Jack Brennan  
Reg. No. 47,443

Fish & Richardson P.C.  
Citigroup Center  
52nd Floor  
153 East 53rd Street  
New York, New York 10022-4611  
Telephone: (212) 765-5070  
Facsimile: (212) 258-2291